

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Milford Wayne Donaldson, FAIA
Historic Preservation Officer
State of California
Office of Historic Preservation
Post Office Box 942896
Sacramento, California 94296-0001

Dear Mr. Donaldson:

Enclosed please find the *2004 Yosemite National Park Annual Report For Undertakings Reviewed For Section 106 of The National Historic Preservation Act*, prepared pursuant to Stipulation XVIII of the 1999 *Programmatic Agreement Among The National Park Service (NPS) At Yosemite, The California State Historic Preservation Officer (CA SHPO), And The Advisory Council On Historic Preservation (ACHP) Regarding Planning, Design, Construction, Operations And Maintenance, Yosemite National Park, California* (1999 PA). The report also includes Yosemite National Park's cultural resource protection efforts implemented in accordance with the *Programmatic Agreement Among the National Park Service (U.S. Dept. of the Interior), the Advisory council on Historic Preservation, and the National Conference of State Historic Preservation Officers*, executed in 1995 (1995 PA).

Should you have questions concerning the report, other park projects, or about the Yosemite National Park Cultural Resource Planning and Compliance Program, please contact Ms. Jeannette Simons, Park Historic Preservation Officer and Native American Liaison at (209) 379-1372, or by Email at Jeannette_Simons@nps.gov.

Sincerely,

Michael J. Tollefson
Superintendent
Yosemite National Park

Enclosure:
Annual Report

Copy w/ enclosure to
Advisory Council on Historic Preservation
National Trust for Historic Preservation
American Indian Council of Mariposa County, Inc. (aka Southern Sierra Miwuk Nation)
Tuolumne Band of Me-Wuk
North Fork Mono Rancheria
Chukchansi Tribal Government (Picayune Rancheria)
Mono Lake Kutzadika Piute Indian Community
Bridgeport Piute Indian Colony
Bishop Piute Tribal Council
Federal Historic Preservation Officer, Dr. Francis P. McManamon

Stephanie Toothman, Columbia Cascades Support Office

Copy w/out enclosure to:

Jeannette Simons, Park HPO

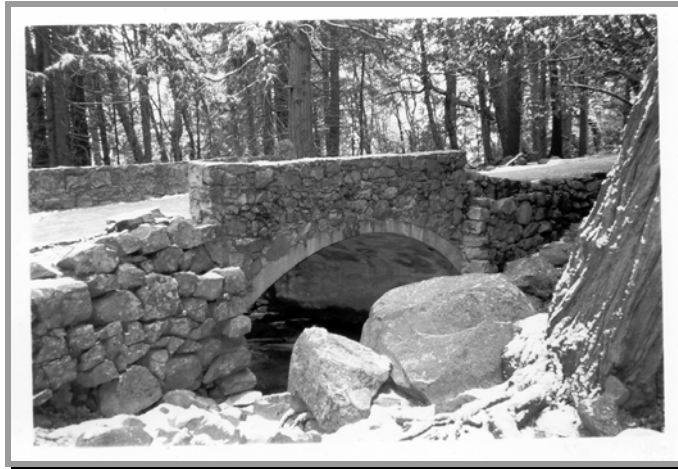


**United States Department of the Interior
NATIONAL PARK SERVICE**

**YOSEMITE NATIONAL PARK
ANNUAL REPORT
FOR UNDERTAKINGS REVIEWED FOR
SECTION 106 OF THE
NATIONAL HISTORIC PRESERVATION ACT**

Under The
Service Wide 1995 Programmatic Agreement
Among The National Park Service (U.S. Dept. Of The Interior),
The Advisory Council On Historic Preservation, And
The National Conference Of State Historic
Preservation Officers

And The
Yosemite National Park 1999 Programmatic Agreement
Among The National Park Service At Yosemite,
The California State Historic Preservation Officer,
And The Advisory Council On Historic Preservation
Regarding Planning, Design, Construction, Operations And Maintenance,
Yosemite National Park, California



2004

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YOSEMITE NATIONAL PARK ANNUAL REPORT FOR UNDERTAKINGS REVIEWED FOR SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Introduction

This annual report documents the park's efforts to consider and protect cultural resources in accordance with the Section 106 of National Historic Preservation Act, pursuant to Stipulation XVIII of the 1999 *Programmatic Agreement Among The National Park Service (NPS) At Yosemite, The California State Historic Preservation Officer (CA SHPO), And The Advisory Council On Historic Preservation (ACHP) Regarding Planning, Design, Construction, Operations And Maintenance, Yosemite National Park, California* (1999 PA) and the *Programmatic Agreement Among the National Park Service (U.S. Dept. of the Interior), the Advisory council on Historic Preservation, and the National Conference of State Historic Preservation Officers*, executed in 1995 (1995 PA).

Cultural Resource Planning and Compliance Program

Yosemite National Park coordinates planning, construction, operations and maintenance project review in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), and the National Environmental Policy Act (NEPA) review process, as provided for in Stipulation VI of both the 1995 and 1999 PA's, and 36 CFR Part 800.8 of the Section 106 implementing regulations. The report is organized according to NEPA documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement and Memorandum to the file) that accompanies the parks Preservation Assessment Form (XXX) records that guide project review in accordance with the 1995 and 1999 PA's:

Yosemite Archeology Office also has a Trails Program and Fire Management Program to protect Archeological properties in accordance with Section 106, pursuant to the 1999 PA. An executive summary and table of contents of the *Archeological Assessment of the 2004 Backcountry Trails Project* are included as part of this annual report to provide an outline of efforts in this regard. A full final report will be sent to the CA SHPO. A summary of the measures taken by the Fire Program is included as well, and the final report will be sent to CA SHPO.

Yosemite has a full staff of cultural resource professional's to review proposed undertakings in consideration of their effect on historic properties to ensure resource protection. The park staff includes:

- Mr. Craig Struble, Heritage Structure Preservation Team Lead
- Mr. Marty Vittore, Historic Preservation Specialist
- Mr. Paul Chattey, Historical Architect
- Ms. Laura Kirn, Supervisory Archeologist
- Ms. Suzanna Montague, Assistant Supervisory Archeologist
- Mr. Scott R. Jackson, Archeologist (Trails Program)
- Mr. Jun Kinoshita, Archeologist (Fire Program)
- Ms. Jeannette Simons, Historic Preservation Officer/Native American Liaison
(Anthropologist/Archeologist)

In addition, the Pacific West Regional Office's in Seattle, Washington, and Oakland, California, provide professional support that includes:

- Ms. Cathy Gilbert, Historic Landscape Architect

Mr. Kimball Kock, Historic Landscape Architect
Mr. David Louder, Historian
Mr. Roger Kelley, Archeologist
Dr. Fred York, Anthropologist.

Further, the park is in the process of hiring a Historian and Historic Landscape Architect who will serve under the Chief of Resource Management and Science, Dr. Niki Nicholas. We hope to have these positions filled by late spring 2005.

Status of Active Memoranda of Agreement

The scope of work for the project that was initiated in 2003 to partially fulfill the requirements of Stipulation II in our Memorandum of Agreement for the Lower Yosemite Falls Project (LYF MOA) has been modified to include all park lands and all American Indian tribes that claim association with park lands. The scope has been expanded to investigate traditional resource management practices, and develop a *Traditional Resource Use Management Plan*. This increased effort addresses NPS policy and park goals and obligations with respect to an agreement the park has with the American Indian Council of Mariposa County, Inc. (AICMC; also known as Southern Sierra Miwuk Nation), and the 2002 Yosemite Valley Plan and Supplemental Environmental Impact Statement (YVP SEIS). We are working in consultation with the AICMC and other associated tribes to successfully address their interests and concerns and develop a plan that supports their pursuit to maintain the traditional values on park lands. In addition to working with organized groups, we will be reaching out to individual's who are made known to us to have knowledge regarding traditional use of park resources.

A copy of the progress report for the *Traditional Use Study for Yosemite Valley and El Portal* is included in the report, as is the revised project description.. The expanded scope requires that we request an extension of the three-year period as stipulated in the MOA. We anticipate that we will have a product to use in our planning and management as we go through the development process. We will continue correspondence with CA SHPO, and pursuant to *16 U.S.C. SECTION 470-W-3 OF THE National Historic Preservation Act of 1966, as amended and 16 U.S.C. Section 470 hh of the Archeological Resource Protection Act of 1979*, provide copies of appropriate documents as they become available.

In addition to Stipulation II of the LYF MOA, the park is developing the monitoring plan to evaluate the effectiveness of signage at the shuttle bus stop pursuant to Stipulation I.C. The signage was installed in December, 2004, when major construction for the project was completed. The official opening of the new trail system will be in April, 2005. Further, Stipulation 1.D. has been implemented; documentation is included in the report.

In regard to the 1986 *Memorandum of Agreement Among the NPS, SHPO, and ACHP* for the demolition, relocation, and/or rehabilitation of all components of the Merced River hydroelectric generating system, the park has fulfilled most of the obligations. Remaining responsibilities under this MOA include the corrective work requested on the powerhouse to bring it into alignment with the Secretary of Interior's Standards, which is scheduled to occur in February, 2005, and the appropriate update of documentation to record the effects of the undertaking on the historic district. The documentation is currently in preparation and will be forwarded to the CA SHPO, the ACHP, and the Keeper of the National Register as stipulated.

American Indian Consultation

Yosemite National Park conducts American Indian consultation in accordance with NHPA Section 106 implementing regulations CFR 36 Part 800 and the Native American Graves Protection and Repatriation Act. Consultations occur regularly throughout the year, and in August of 2005 the park hosted an All-Tribal consultation attended by representatives from the seven tribes claiming association park lands: The AICMC (aka Southern Sierra Miwuk Nation), Tuolumne Band of Me-Wuk, Mono Lake Katzudika Paiute Indian Community, Bridgeport Paiute Indian Colony, Bishop Paiute Tribal Council, Chukchansi Tribal Government, and North Fork Mono Rancheria.

The park and the AICMC worked during 2004 to develop a Cooperative Agreement (CA) that provides authority for the park to transfer funds to the tribe to support their participation in resource protection during park construction, operations, maintenance projects, and resource management programs. A copy of the agreement, executed in November of 2004, is included in the report. This year we will continue efforts to develop similar agreement documents with the six other American Indian tribes that claim association with park lands, pursuant to Stipulation V.B. of the 1999 PA.

Report Distribution

In accordance with Stipulation XVIII of the 1999 PA, copies of this report are being sent concurrently to all signatories and parties invited to concur on the 1999 PA. A copy of the report will be placed in the Yosemite Research Library for public inspection, and on the Yosemite National Park home page at <http://www.nps.gov/yose/>, with notice of its availability at the Library, in accordance Stipulation VI.

**YOSEMITE NATIONAL PARK
UNDERTAKINGS REVIEWED FOR
NHPA SECTION 106
IN COORDINATION WITH NEPA
ENVIRONMENTAL ASSESSMENT OR
ENVIRONMENTAL IMPACT STATEMENT
2004**

P&C ID#¹	Location	Project Title	Status	1999 PA	Comments
2001-1031	Wawona	Seventh Day Adventist Land Exchange	On Hold		Project cancelled.
2002-1006	West YV	Remove Unsafe Cascade Dam	FONSI ² signed 5/03	V, VI, VII, VIII	1986 MOA. Update: project completed 09/04; corrective action on powerhouse scheduled for 02/05; NR form under revision.
2003-055	East YV	East Yosemite Valley Utilities Upgrade	FONSI signed 11/03	V, VI, VII	Long-term, multiproject YVP action; project review and consultation with SHPO and Native American groups will continue. No adverse effect. Update: Court approved preferred alternative, work schedule to begin 2006.
2003-057	East YV	Yosemite Lodge Redevelopment	FONSI approved February 2004	V, VI, VII	Long-term, multiproject YVP action; consultation and project review with SHPO and Native American

¹ Planning and Compliance Tracking Number; missing number indicates deferred project or no cultural resource issues.

² Finding of no significant impact, NEPA decision document

P&C ID# ¹	Location	Project Title	Status	1999 PA	Comments
					groups will continue. No adverse effect. <i>Update: Enjoined by 9th Circuit. No action.</i>
2003-058	YV – Curry Village	Curry Village Cabins with Bath and E. Valley Campgrounds	FONSI signed February 2004	V, VI, VII	Long-term, multiproject YVP action; consultation and project review with SHPO and Native Americans will continue. No Adverse Effect.
2003-059	Park-wide	Yosemite Fire Management Plan EIS	Final EIS in prep	V, VI, VII	EIS sent to SHPO; no comment. <i>Update: ROD signed 08/04.</i>
2003-060	Crane Flat	Yosemite Institute/NPS Environmental Education Campus Development Project at Crane Flat	EIS, in prep	V, VI, VII	Will request SHPO visit, consultation; cultural landscape study, Archeology and traditional cultural resource evaluation in progress. <i>Update: cultural resource studies in review phase; project delayed until 06.</i>
2003-083	YV	Ecological Restoration renamed: Visitor use and Flood Plain Restoration in East Yosemite Valley	EA in prep	V, VI, VII	Internal Scoping period; will implement 1999 PA; consult Native American Indians.
2003-084	YV – Curry Village	Curry Village Employee Housing	MTF ³	V, VI, VII	Archeological monitoring; historical archival research; sensitivity map; record remnant bridge, toboggan slide;

³ Memo to the file for projects evaluated under the Yosemite Valley Plan Supplemental Environmental Impact Statement

P&C ID#¹	Location	Project Title	Status	1999 PA	Comments
					Native Americana consultation. <i>Update: 9th Circuit released from enjoined projects. Project in progress. No effect to historic properties.</i>
2003-085	El Portal	Replace Flood Damaged Buildings	MTF	V, VI, VII	Archeological monitoring during ground disturbance. <i>Update: Project delayed to FY05.</i>
2004-011	Park wide	Develop and Implement a Management Plan for Controlling Invasive Plants revised to Invasive Plant Management Plan	EA in prep.	V, VI, VII	In Internal Scoping period; will implement 1999 PA. Consulting Native Americans.
2004-110		Revises Merced Wild and Scenic River Plan/SEIS	EIS in prep.	V, VI, VII	In progress
2005-1035 (revised 2002-159)	White Wolf Lodge	Install Concrete Foundations at White Wolf	Upgraded to EA 08/04		On Hold

**YOSEMITE NATIONAL PARK
UNDERTAKINGS REVIEWED FOR
NHPA SECTION 106 WITH
NEPA CATEGORICAL EXCLUSIONS
2004**

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
2002-008	Gaylor Pit Dump Site	Ecological Restoration of Wilderness Condition at Gaylor Pit		1	
2002-009 (revised 2003- 041)	YV – Happy Isles	Happy Isles Dam Removal	VII B (1)		CA SHPO concurrence with DOE “not eligible” 8/11/04. Project complete in FY04.
2002-016	YV - Cascades houses	Remove 5 Excess Housing in Cascades District, Unit # 811,813, 815, 818 & 820	VIII A (1)(b)		1989 MOA.
2002-083	Yosemite Creek Campground	Rehab Yosemite Creek Campground Bridge	VI, VII, VIII A(b)	4	CA-MRP-123/136; Archeological testing conducted in 09/04;
2002-088	YV – Ahwahnee	Ahwahnee - Correct Fire and Life Safety Deficiencies		11	
2002-100	Wawona	Wawona - Rehab Building Exteriors; Main Building and Clark Cottage	VII (b)(1)	9	CA SHPO concurrence 08/24/04. Archeological investigations and Native American monitors.
2002-103	Mariposa Grove	Mariposa Grove Restoration		1	Cultural landscape.
2002-151	YV – Ahwahnee	Ahwahnee - Correct Kitchen Ventilation Design Deficiencies (Upgrade Kitchen HVAC)		11	Oversight and quality assurance by park historic architect and heritage structure preservation specialist.
2002-152	YV – Ahwahnee	Ahwahnee - Install HVAC in Guest Cottages		11	Oversight and quality assurance by park historic

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
					architect and heritage structure preservation specialist.
2002-154	YV – Ahwahnee	Ahwahnee Install HVAC in conference rooms		11	Oversight and quality assurance by park historic architect and heritage structure preservation specialist.
2002-172	Mt. Raymond Rd	Special Use Permit Right of Way	XIII		Protective language in permit.
2002-199	Snow Creek Cabin	Snow Creek Cabin Stabilization Phase I		9	Work conducted by park Heritage Structure Preservation team 11/04.
2002-204	YV – East Valley	Conduct Archeological Testing in East Yosemite Valley	VII c(2)(e)	4	In progress. Native American monitoring.
2003-010 merged with 2004-057	Yosemite Valley	Rehabilitate Bridalveil Fall Walkway		9	Merged with 2-year programmatic CE/XXX with protective historic properties stipulations and clauses
2003-023	El Portal	Hotel Stairway Reconstruction		4,9	Archeological monitoring.
2003-064	Yosemite Valley	Shuttle Bus Stop Improvements - Phase I	VI, VII, VII C (e).		Archeological and Native American monitoring during ground disturbance.
2003-075	Lyell Fork - Tuolumne River	Lyell Fork Tuolumne River (Twin Bridges) Stream Monitoring		3	
2003-076	Yosemite Valley	Yosemite Creek Force Main and Gravity Sewer	VI, VII, VIII	4	Archeological monitoring and Native American monitoring, as appropriate.
2003-082	Yosemite Valley El Portal	Traditional Use Study			Stipulation II of 2002 LYF MOA.
2004-001	Yosemite Valley	Improve Yosemite Valley Visitor Center	VII C		Protective fence around Kosano burial.

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
2004-002	Yosemite Valley	Upper Pines Geotech Borings	VI, VII		
2004-005	El Portal	Cascades Dam Job Site Trailer	VI, VII		
2004-006	Yosemite Creek Campground	Yosemite Creek Pac Bell Site Remediation	VI, VII C (2)	4	Archeological investigations 10/04.
2004-008	Yosemite Valley	Camp 6 Walkway Fence		6	
2004-009	Tuolumne Meadows	Tuolumne Winter Well Water Line Bury and Winter Cabin Valve Replacement	VII		
2004-010	Yosemite Valley	Shuttle Bus Stop Improvements Phase II	VI, VII C (2)		Shuttle Bus Stop Improvements Phase II
2004-012	Yosemite Valley	Relocation of Happy Isles Gaging Station	VI, VII C (2)	3	Historic gage remains intact
2004-013	Yosemite Valley	Curry Village Ground Source Heat Pump	VI, VII C (2)		
2004-014	El Portal	Replace Defective Power Pole/Cable Near Sewer Plant		8	
2004-015	Yosemite Valley	CIF 3200 Ahwahnee Correct Snow and Water Removal Deficiencies, Slate Roof Replacement - Underground Storm Drainage/Piping Repair	VI, VII C (2)		Designed to avoid impact to resources.
2004-017	Tioga Road/Gin Flat	Spatial Properties of Snow cover		3	Designed to avoid resources.
2004-018	El Portal	Replace Burnt Telephone Pole	VII	4	Designed to avoid impact to resources. Archeological monitoring.
2004-019	Big Oak Flat Tunnel	Replace Collapsed Under drains in Big Oak Flat Tunnel	VII		
2004-020	Hetch Hetchy	Hetchy One-Way Road Shoulder Repairs		7	Designed to avoid impact to resources.
2004-021	Yosemite Valley	y4-0405 Badger Pass Install Temporary Trailer Utilities	VII		
2004-022	Backcountry	2004 Incidental Business Permit for Stock Users	XIII		Protective language in permit.

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
2004-023	Yosemite Valley	DNC Installation Bio-diesel	VII		
2004-024	Wawona	Wawona Range Building Removal	VII		
2004-025	Upper and Lower Rivers Campgrounds	Demolition of Asphalt at Upper River and Lower River Campgrounds	VII		
2004-026	Yosemite Valley	Provide New Fire Suppression System Service Connection at the Valley Visitor Center		4	Designed to avoid impact to resources.
2004-027	Hetch Hetchy	Hetch Hetchy Phone Trenching		8	Designed to avoid impact to resources.
2004-028	Yosemite Valley	Yosemite Lodge 3600 Parking Lot Signs		12	
2004-029	Yosemite Valley	OSHA 10 Hour Training	VII	4	Archeological oversight.
2004-030	Wawona	Wawona Community Center Improvements		1	
2004-032	Yosemite Valley	Y4-0324 Yosemite Lodge - Install Direct TV in Guest Rooms		8	Designed to avoid resources.
2004-034	Yosemite Valley	Wilderness Center Wireless Bridge		8	Designed to avoid resources.
2004-036	El Portal	El Portal Road "Segment D" Emergency Repairs		7	Designed to avoid resources.
2004-037	Wawona	South Entrance Safety Improvements and Office Modernization		1, 9	Designed to avoid resources. Coordination with park historic structure heritage program.
2004-038	Yosemite Valley	Install Fire Rings in the Pines Campgrounds		1	Designed to avoid resources.
2004-039	Yosemite Valley	Data Gathering in the Ecological Restoration of Flooded Campgrounds		1, 3	Designed to avoid resources.
2004-041	El Portal	Install Construction Signs for Park line Project		12	
2004-042	Parkwide	2004 Forestry Program Annual Work Plan		1	
2004-043	El Portal	Emergency Repairs to		8	

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
		70KV Transmission Towers No. 10 & 11			
2004-044	Yosemite Valley	CIF 3011 Ahwahnee Correct Snow and Water Removal Deficiencies; Y4-0427 Replace Underground Roof Drainage Piping		4, 8	Designed to avoid impact resources.
2004-045	Yosemite Valley	CIF 3001 Ahwahnee Correct Snow and Water Removal Deficiencies; Y4-0426 Bore for Soil Testing (Ahwahnee)	VII		
2004-046	El Portal	Rock Wall Erection/Water Meter Relocation	VII		Designed to avoid resources.
2004-047	El Portal	Removal of 7 Surveyed NPS Trailers from the El Portal Trailer Village	VII		Designed to avoid resources.
2004-048	Tuolumne Grove Trailhead	Construct an Accessible Route to Tuolumne Grove Trailhead Exhibits		6	
2004-051	Turtleback Dome	Air Quality Monitoring Shelter Addition		3	Designed to avoid resources.
2004-052	Yosemite Valley	Y4-0428 Curry Village: Repair Bath Cabin Rock Fall Damage	VII	9	
2004-053	Backcountry	Wilderness Restoration-Programmatic		12	Designed to avoid resources.
2004-054	El Portal	Install 2 Fishing Information Signs Along Hwy 140		12	
2004-055	Chinquapin	Chinquapin Underground Tank Site		3	
2004-056	Yosemite Valley	Yosemite Valley Fire History	VII		
2004-057	Parkwide	Routine Trail Maintenance, 2004-2006		6	Protective stipulations for case by case review by park cultural resource specialist.
2004-058	Tuolumne meadows	Lembert Dome Restoration		1	Designed to avoid resources.
2004-059	Tamarack Flat	Tamarack Flat Campground Site	VII		Designed to avoid resources.

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
		Relocation			
2004-060	El Portal	Invasive Plant Eradication in the El Portal Administrative Site		2	Designed to avoid resources.
2004-063	Yosemite Valley	Curry Village Employee Dormitories (Debris Flow)	VII		Designed to avoid resources.
2004-066	El Portal	New Wood Deck at 5638 Foresta Road	VII		
2004-067	Crane Flat	Baseline Assessment of Meadow Hydrology and Vegetation at Crane Flat Meadows	VII		
2004-069	Yosemite Valley	Data Gathering in the Ecological Restoration of Flooded Campgrounds (Part 2)	VII		Designed to avoid resources.
2004-070	Yosemite Valley	Emergency Repairs to Northside and Southside Drive (Valley Loop Road)- Geotech Borings	VII		
2004-071	Wawona	Replace Existing Phone Service to UC Merced Field Station (Res 4000)		8	Designed to avoid resources.
2004-072	Yosemite Valley & El Portal	Install Fall Protection on Roofs in El Portal and Yosemite Valley	VII		
2004-073	Yosemite Valley	Install Pedestrian Signs Along Yosemite Village Walks		4, 12	Designed to avoid resources.
2004-077	Badger Pass	Badger Pass Exterior Signs		12	
2004-078	Ostrander Lake	Ostrander Lake Snow Sensor Reconfiguration	VII		
2004-079	Crane Flat	Crane Flat Assimilative Soils Testing	VII	4	Designed to avoid resources. Archeological monitoring.
2004-080	Yosemite Valley	Y4-0407: Install Door on Ahwahnee Coat Room		9	
2004-081	Yosemite Valley	Soil Sampling Behind Building #518	VII		
2004-082	Yosemite Valley	Replace Fencing in Yosemite Valley		8	
2004-083	Tuolumne	Temporary Trailer	VII		

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
	Meadows	Placement at Tuolumne SAR Cache			
2004-084	Foresta	Replacement of Pole at Foresta "Green House"		8	Designed to avoid resources.
2004-085	Parkwide	Interpretive Archeological Displays		12	
2004-086	Crane Flat	Evaluation of the Crane Flat Campus Area for National Register Eligibility		4	.
2004-087	Tioga Pass	Tioga Pass Entrance Station Restroom Rehabilitation	VII		Secretary's Standards.
2004-094	Yosemite Valley	Yosemite Valley Campgrounds Restroom Demolition	VIII A (b)		Designed to avoid resources. YVP SEIS action.
2004-095	Big Oak Flat Tunnel	Long Big Oak Flat Tunnel Rockfall Stabilization		1	Designed to avoid resources.
2004-096 (revised 2002-198)	Foresta	Foresta Meyer Barn Re-Roof and Stabilization		9	Work being conducted by park Heritage Structure Preservation team 11/04.
2004-100	Wawona	Wawona Residence to Yosemite Association Dorm Conversion		9	
2004-108 (replaced 2002-200)	Ostrander Lake ski hut	Replace Inadequate Composting Toilets with Waterless Urinals	VI, VII		
2005-001	Park wide	Parkwide Parking Impacts Programmatic Standardized Barrier Installation		12	
2005-002	Yosemite Valley	Yosemite Elementary School Modernization	VII		
2005-003	El Portal	El Portal Elementary School Modernization			
2005-004	El Portal	El Portal Native American Black Bear Burial	VII		
2005-005	Yosemite Valley	Yosemite Valley NPS Maintenance Building ("Fort") Walkway Re-installation		6	
2005-006	Yosemite	Camp 4 Climbing			Planning in

P&C T #	Location	Project Title	1999 PA	1995 PA IV B	Comments
	Valley	Museum/Public Lounge			progress.
2005-007	Park wide	Yosemite National Park Antenna and Dish Installation Policy			Planning in progress.
2005-009		Goat Meadow Road Commercial Dog Sledding Right-of-Way Issuance	XIII		
2005-010		Yosemite Valley Elementary School Playground Dry-Well Installation	VIII	4	Designed to avoid impact to resources; Archeological monitoring.
2005-011		El Portal Elementary School Storage Building Construction	VIII	4	Designed to avoid impact to resources; Archeological monitoring.
2005-013		Arch Rock Primary Electrical Service Rehabilitation	VIII		Designed to avoid impact to resources.
2005-015		Yosemite Village Miwuk Roundhouse Emergency Repair	VII		
2005-016		Hetch Hetchy Reservoir and O'Shaughnessy Dam Security Improvement			

**YOSEMITE NATIONAL PARK
PROGRAMMATIC UNDERTAKINGS REVIEWED FOR
NHPA SECTION 106 WITH
NEPA CATEGORICAL EXCLUSIONS
2004**

P & C T	Name	1999 PA	1995 PA IV B	Location	Begin Date	Expiration/Review Date
2002-213	Pothole/Shoulder Repairs on Flood Damaged Yosemite Valley Roads		7	Yosemite Valley	4/11/2003	12/31/2008
2002-212	Pothole/Shoulder Repairs on Flood Damaged Wawona Road		7	Wawona	4/11/2003	12/31/2008
2002-211	Pothole/Shoulder Repairs on Flood Damaged Big Oak Flat Road		7	Big Oak Flat	4/11/2003	12/31/2008
2002-172	Special Use Permit: Right of Way	XIII		Out of Park	Not issued yet	Not complete yet
2002-167	Scattering of Human Remains	XIII		Park wide	4/24/2003	12/31/2007
2002-147	Special Park Uses: Wedding Ceremonies	XIII		Park wide	4/11/2003	12/31/2007
2002-146	Special Park Uses: Filming	XIII		Park wide	4/11/2003	12/31/2007
2002-145	Special Park Uses, Incidental Business Permits for Photography Workshop	XIII		Park wide	4/11/2003	12/31/2007
2002-144	Special Park Uses, Incidental Business Permits for Hang Gliding	XIII		Glacier Point	4/3/2003	12/31/2007
2002-143	Special Park Uses: Incidental Business Permits for Guided Fishing	XIII		Park wide	4/11/2003	12/31/2007
2002-142	Special Park Uses: Incidental Business Permits for Guided Backpacking and Day Hiking	XIII		Park wide	4/11/2003	12/31/2007

P & C T	Name	1999 PA	1995 PA IV B	Location	Begin Date	Expiration/Review Date
2002-141	Special Park Uses: Incidental Business Permits for Commercial Tour Step-On Guiding	XIII		Park wide	4/11/2003	12/31/2007
2002-140	Special Use Permit: Precipitation Stations	XIII		Park wide	4/11/2003	12/31/2007
2002-139	Special Use Permit/Maintenanc e and Operation of Swimming Pool	XIII		El Portal	4/11/2003	12/31/2007
2002-138	Special Use Permit: Maintain Tennis Courts	XIII		El Portal	4/24/2003	12/31/2007
2002-137	Special Use Permit: El Portal Administrative Site	XIII		El Portal	6/6/2003	12/31/2007
2002-136	Special Use Permit: Child Care	XIII		Park wide	4/3/2003	12/31/2007
2002-135	Special Use Permit: Cell Site/Cell Service	XIII		Park wide	4/3/2003	12/31/2007
2002-134	Special Use Permit/Bulk Fuel Storage	XIII		El Portal	4/3/2003	12/31/2007
2002-133	Special Use Permit Activity at Wawona Point	XIII		Wawona	4/3/2003	12/31/2007
2002-132	Special Use Permit/Tamarack Campground	XIII		Tioga Road	4/3/2003	12/31/2007
2002-131	Special Use Permit Activity at Glacier Point	XIII		Glacier Point	5/13/2003	12/31/2007
2002-130	Special Use Permit Activities at East Auditorium	XIII		Yosemite Valley	4/3/2003	12/31/2007
2002-129	Special Use Permit/Home Business Activities	XIII		Park wide	4/11/2003	12/31/2007
2002-128	Special Use Permit for El Portal Chapel	XIII		El Portal	4/11/2003	12/31/2007
2002-127	Special Use Permit- El Portal Cable	XIII		El Portal	4/11/2003	12/31/2007
2002-126	Special Use Permit Activities at Lower	XIII		Yosemite Valley	5/13/2003	12/31/2007

P & C T	Name	1999 PA	1995 PA IV B	Location	Begin Date	Expiration/Review Date
	River Amphitheater					
2002-125	First Amendment Activity	XIII		Park wide	4/11/2003	12/31/2007
2002-124	Use of Yosemite Chapel (permit)	XIII		Yosemite Valley	4/11/2003	12/31/2007
2002-123	Permitted Use of Clark Community Center	XIII		El Portal	4/11/2003	12/31/2007
2002-122	Permit to construct (Septic Systems)	XIII		Foresta	6/6/2003	12/31/2007
2002-109	Replacement of Regulatory & Directional Signs	XIII		Park wide	6/6/2003	12/31/2008
2002-108	Replace Roadway Directional Signs	XIII		Yosemite Valley	6/6/2003	12/31/2008
2002-106	Special Park Uses, Incidental Business Permits for Commercial Tour Buses	XIII		Park wide	4/11/2003	12/31/2007
2002-105	Special Park Uses, Incidental Business Permits for Guided Cross-Country Skiing and Snowshoeing	XIII		Park wide	4/11/2003	12/31/2007
2001-089	El Portal Road Slide Repair		7	El Portal Road		Indefinite
2002-080	Routine Buildings and Grounds Maintenance		2	Park wide	11/5/2002	8/07 Need to amend CE
2003-044	Paint Exterior Buildings and Residences Park wide		9	Park wide	7/17/2003	12/31/2008
2003-040	Interior Rehabilitation of Non-Historic Residences	VII		Park wide	6/6/2003	12/31/2007
2002-031	Routine Trail Maintenance		6	Park wide	4/25/2002	12/31/2007
2002-006 2002-500	Park wide Exotic Plant Control	VII		Park wide	4/30/2003	12/31/2007

YOSEMITE NATIONAL PARK

PROJECTS DEFERRED TO FUTURE

2004

P & C T #	Location	Project Title	Status
2002-090	YV – Ahwahnee	Ahwahnee - Modify Elevator Mechanical Components	Postponed to FY05
2002-111	YV – AA Gallery	Construct Code Compliant Visitor ADA Access for Ansel Adams Gallery	Postponed by management.
2002-112	YV – Valley District and Admin/HQ bldgs	Correct OSHA Building Deficiencies Project	On-hold for more information
2002-113	Wawona & Yosemite districts	Rehabilitate 7 Houses in Fair/Poor Condition in Wawona and Valley Districts	Not funded.
2002-117	Olmstead Point along Tioga Road	Emergency Rehabilitation at Olmstead Point Scenic Viewing Area	On-hold for funding.
2002-148	YV – Medical Clinic	Replace Yosemite Clinic HVAC System	On hold, waiting for more information.
2002-156	YV – Curry Village	Curry Village - Repair Cabin Wooden Exteriors	Postponed by management.
2002-160	YV – Tecoya Dorm	Purchase and Install replacement Boiler at Tecoya Dorm	Postponed by management.
2002-168	YV – AA Gallery	Rehabilitate Ansel Adams Gallery Buildings	On-hold. Required SHPO consultation under VIII B of 1999 National Significance
2002-169	YV – AA Gallery	Repair Ansel Adams Gallery Flat Roof Termite Damage	Will be combined with 2002-168.
2002-175	Vogelsang HS camp	Replace Deteriorated Vogelsang Campground Composting Toilet	In management review. Scheduled for 2005.
2002-188	YV – Admin Bldg	Rehabilitate Obsolete and Hazardous Electrical System in Valley Administration Building	Postponed.
2002-189	YV – District Bldg	Rehabilitate Obsolete and Hazardous Electrical System in Valley District Building	Postponed.

⁴ Planning and Compliance tracking number.

P & C T #	Location	Project Title	Status
2002-193	Mariposa Grove	Mariposa Grove Comfort Station Log repair (LCS ID #055756) Building WA04726	Deferred to 2006
2002-196	Henness Ridge	Rehab Deteriorated Historic Hennes Ridge Fire Lookout	Deferred to 2005
2002-199	Snow Creek Cabin	Snow Creek Cabin Stabilization Phase 2	Deferred to 2006
2002-201	Parkwide	Improve Security at 16 Fee Collection Structures	Postponed by management.
2002-208	Hodgdon Meadows	Install Generator System at Administrative Buildings in Hodgdon Meadows	On hold
2002-209	YV - Curry Village	Curry Village Food Concept Changes	Postponed
2002-220	Tenaya Lake Picnic Area	Install Public Pit Toilets	Postponed
2002-223	Tioga Pass Entrance St.	Tioga Pass Entrance Station Employee Water System	Postponed
2003-042	Tenaya Lake	Tenaya Lake East Shore Restoration	Postponed
2003-047	Yosemite Valley	Link Bike Path w/Sidewalk at Old Bank Building	On hold.
2003-048	Yosemite Valley	Park wide - Modify Selected Facilities with ADA upgrades (Phase Three) - Add Additional Women's and Retrofit Men's Public Restrooms	On hold, waiting for more information and funding.
2003-049	Yosemite Valley	Park wide - Modify Selected Facilities with ADA upgrades (Phase Three) - Retrofit Ahwahnee Guest Rooms and Elevator Controls	On hold, waiting for more information and funding.
2003-087	Yosemite Valley	Secure Residence 1	No adverse effect. MTF. Holding until moved in accordance
2004-016	Hetch Hetchy	Hetch Hetchy Water & Power (HHW&P) Microwave Replacement Project	Postponed Not funded.
2004-040	Hetch Hetchy	Relocate Corral at O'Shaughnessy Dam	On hold.
2004-049	El Portal	Replace Hazardous Chlorine-Sulfur Dioxide Gas Disinfection System at the El Portal Wastewater Treatment Plant	On hold.
2004-050	Glen Aulin HSC	Replace Glen Aulin HSC Flush Toilets and Backpackers Campground Composting Toilet	On hold/waiting for revised plans.
2004-062	Yosemite Valley	Improve Yosemite Village Parking and Bus Transit Area (Camp 6)	On hold. Court order.

P & C T #	Location	Project Title	Status
2004-068	Wawona	Demolition of Multiple Surveyed Structures and Limited Site Restoration- Wawona District	Pending
2004-101	Wawona	Wawona Fiber Optic Cable Installation	Planning in progress.
2004-102	Backcountry	Gaylor Lakes Basin Sound Monitoring for Yosemite-Mammoth Airport Expansion ESI	On hold.
2004-103	Backcountry	Dana Meadows Soil Moisture Monitoring	On hold.
2004-106	El Portal	El Portal Child Care and Development Center Playground Construction	On hold.
2004-109	Yosemite Valley	Stoneman Bridge Hazard Tree Group Removal	On hold.

**YOSEMITE NATIONAL PARK
SHPO/ACHP CONSULTATIONS PURSUANT TO 1999 PA
2004**

P & C T #	Location	Project Title	Date⁶	Status
2002-100	Wawona	Wawona – Historic Preservation and Seismic Rehabilitation Of Main Building	July 25, 2004	SHPO comments integrated into project plans
2004-052	Curry Village	Y4-0428 Curry Village- Repair Bath Cabin Rock Fall Damage	April 26, 2004	Completed
2002-009	Yosemite Valley	Happy Isles Dam Removal Determination of Eligibility for Happy Isles dam and associated water conveyance structures in Yosemite Valley.	July 28, 2004	Not eligible, SHPO concurred

⁵ Planning and Compliance tracking number.

⁶ Date of initial correspondence to SHPO

YOSEMITE NATIONAL PARK FIRE ARCHEOLOGY PROGRAM 2004

Summary

The Fire Archeology Program supported by two fire-archeologists, facilitated compliance for three types of Fire Management Activities over the course of 2004. These activities and their associated planning processes were: Fuels Reduction projects, which include mechanical thinning and prescribed fire, Wild land Fire Use (WFO), in which naturally-ignited fires were managed in order to allow fire to play its natural role in the ecosystem, and Suppression fires, which were generally human-ignited fires or were in a suppression zone identified in the Fire Management Plan (FMP) because of threats to life and property safety. Each of these actions were reviewed to determine extent of existing survey coverage, known cultural resources, probability of further existence of cultural resources, vulnerability of known cultural resources to direct, indirect and operational impacts of fire management, and possible protection or mitigation measures. In the case of Fuels Reduction projects, a memo was produced for review by interested Native American groups, and then provided to fire managers for their reference and to encourage incorporation of cultural resource protection into the planning process.

Cultural resources considered include archeological sites, historic structures, museum objects, cultural landscapes and ethnographic areas. Protection measures were implemented for several cultural resources. These measures included fuels reduction, exclusion of fire, detailed recording and avoidance.

During the course of work for Fuels Reduction projects, 5 new sites and 8 isolates were recorded. No new survey coverage was added.

14 new sites and 15 isolates were recorded during WFO incidents. Because these incidents tend to occur in the backcountry where little survey coverage exists, most survey efforts were focused here. Approximately one thousand acres were surveyed, including some post-burn survey conducted on a 2003 fire.

Suppression fires tend to be numerous and very small because they are picked up and suppressed very quickly. Cultural resource action tends to be in the form of post-burn damage assessments. No cultural resources were known to have been damaged by fires that were suppressed or the suppression actions themselves. No new sites or isolates were documented and no survey was completed in conjunction with these actions.

The Fire Archeology program was active in several other areas during 2004. Presentations on cultural resources and fire were presented to firefighter training classes and to the fire management orientation. A Standard Operating Procedure (SOP) for inclusion into the new FMP was developed. Additionally, the fire archeologists contributed to the Resource Advisor (READ) program by fulfilling READ duties such as data collection and acting as the liaison between Fire Management and park resource managers such as the Wilderness Office, the Forestry program, and Resources Management & Science Division, which houses natural and cultural resource branches.

ARCHEOLOGICAL ASSESSMENT OF THE 2004 BACKCOUNTRY TRAILS PROJECT, YOSEMITE NATIONAL PARK, CALIFORNIA

By

Paul D. DePascale
and
Dustin Hagen

2005

Yosemite Archeology Office
Yosemite National Park
National Park Service
U.S. Department of the Interior

EXECUTIVE SUMMARY

In support of the 2004 annual trail maintenance undertakings within Yosemite National Park wilderness and front country areas, archeological assessments via the Section 106 review process (National Historic Preservation Act) were conducted by the Yosemite Archeology Office.

In sum, 11 project areas were assessed resulting in 115.9 hectares (286.5 acres) of park land being inventoried for archeological resources, the identification and recordation of eight previously unrecorded sites, one previously known site, and 11 isolates. One site was updated to current standards.

This program of resource inventory and documentation resulted in a finding of *No Adverse Effect* for all of the NPS trail maintenance undertakings discussed herein. Treatments for sites near camps are presented in the recommendations section of Chapter 3. Should affects to such resources be unavoidable, site evaluation and mitigation procedures should follow, as outlined in Section 106 proceedings, National Historic Preservation Act, the park's Programmatic Agreement (1999), and the archeological synthesis and research design for Yosemite National Park (cf. Hull and Moratto 1999). This report presents detailed assessment efforts in keeping with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (NPS 2005).

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MANAGEMENT SUMMARY

Project Title:	Archeological Assessment of the YOSE 2004 Backcountry Trails Maintenance Projects
Project Designation:	YOSE 2004 F
Undertaking:	Backcountry Trail Repair Projects
Type of Project:	Archeological reconnaissance
Field Crew	
Project Archeologist:	Paul DePascale
Archeological Technician:	Dustin Hagen
Volunteer:	Rebecca Lund
Fieldwork Dates:	June 16, 2004 to September 30, 2004
Number of Sites Documented/Updated:	8 sites recorded, 2 sites re-recorded, and 11 isolates documented.
Area Surveyed:	115.9 hectares (286.5 acres)
Artifacts Collected:	None
Photograph Information:	Photos archived at the Yosemite Archeology Office: Digital photos: DC-04F-1 through DC-04F-121
Management Recommendations:	Initiate Section 106 review for trail project actions that have the potential to affect identified cultural resources. See area specific project recommendations outlined in Chapters 3.



United States Department of the Interior

NATIONAL PARK SERVICE

Yosemite National Park

P.O. Box 577

Yosemite, California 95389

December, 2004

Progress Report

Traditional Use Study of Yosemite Valley and El Portal

This project was initiated in 2003 in partial fulfillment of Stipulation II of the 2002 Memorandum of Agreement Between The National Park Service (NPS), Yosemite National Park, and The California State Historic Preservation Officer Regarding the Lower Yosemite Falls Project (2002 MOA). The American Indian Council of Mariposa County, Inc. (AICMC) (aka Southern Sierra Miwuk Nation) was provided opportunities to participate in the development of the 2002 MOA and was invited to concur. The AICMC, however, chose not to participate in the development of the MOA or to sign as a concurring party.

In 2003 the NPS in Yosemite National Park developed a Task Agreement (J9W88030024) under the authority of an existing Cooperative Agreement (CA9088A0008) with the University of Washington to begin gathering data. For purposes of the task order, the project was titled *Traditional Use Study*, which more accurately reflects NPS policy and related goals for traditional resource use and management in partnership with American Indian tribes associated with park lands. This project title deviates slightly from the “gathering plan” stipulated in the 2002 MOA, however, it will fulfill all appropriate requirements.

During 2004, approximately two-thirds of the research for this task order was accomplished. The Human Subjects review process was completed in early spring of 2004, and meetings were initiated with tribal representatives. A total of nine weeks have been expended on fieldwork in and around Yosemite National Park. During this time, archival research at the Yosemite Research Library was completed, and ethnographic interviews were conducted with 15 members of the American Indian Council of Mariposa County (AICMC). Many individuals were interviewed multiple times. Related participant observation research has also been conducted with members of the AICMC.

About 100 species of traditionally used plants have been identified, about 25 of which are used with regularity. One or 2 species are collected in relatively large quantities, but most harvest is in small quantities. Traditional resource use seems to occur in segmentation, by basket makers, for religious revival, and to maintain historic ties to traditional cultural behavior. Traditional practitioners consistently have 3 or 4 favorite patches with priorities based on quality and quantity of material and location relative to the practitioner’s residence. There is a compounded adaptive strategy that works around visitor impact, park rules, and habitat degradation.

A method of identifying traditional cultural districts with discontinuous traditionally used plant habitats such as meadow, wetland, and riverine resources found in other park locations, such as Crane

Flat and Pate Valley, is emerging as part of this study. The tribe as a whole seems enthusiastic about restoration options, the potential for resource enhancement, and general improved management. Park management is supportive of an expanded research effort to investigate traditional resource management practices, and future development of a *Traditional Resource Use Management Plan*. This increased effort addresses NPS policy and park goals and obligations with respect to an agreement the park has with the American Indian Council of Mariposa County, Inc. (AICMC; also known as Southern Sierra Miwuk Nation), and is anticipated to include all park lands and all American Indian tribes that claim association with park lands.

The remaining one month of fieldwork for the current study will be completed by spring of 2005 and a draft project report will be submitted by September of 2005.

TRADITIONAL RESOURCE USE MANAGEMENT PLAN

PROJECT PROPOSAL REQUEST FOR FUNDS

Introduction

This project was initiated in 2003 as partial fulfillment of Stipulation II of the 2002 Memorandum of Agreement Between The National Park Service (NPS), Yosemite National Park, and The California State Historic Preservation Officer Regarding the Lower Yosemite Falls Project (2002 MOA) as a *Traditional Use Study* with a focus on Yosemite Valley and El Portal. The American Indian Council of Mariposa County, Inc. (AICMC) (aka Southern Sierra Miwuk Nation) was provided an opportunity to participate in the development of the 2002 MOA and was invited to concur. The AICMC chose not to participate or to concur. The park retitled the project from “Gathering Plan” as stipulated in the 2002 MOA to more accurately reflect the NPS policy and goals for traditional resource use and management in partnership with American Indian tribes associated with park lands.

In 2003 Yosemite National Park developed a Task Agreement (J9W88030024) under the authority of an existing Cooperative Agreement (CA9088A0008) the NPS has with the University of Washington to begin data gathering for the *Traditional Use Study*. During the implementation of this task agreement in 2003 and 2004, and in consultation with the associated tribes, it was recognized that the scope of the project should be expanded to include all park lands and associated tribes and include management recommendations.

The target date to complete the *Traditional Resource Use Management Plan* is 2011. Below is the project description as submitted to the National Park Service for annual funding increments. The park is also seeking alternative funding opportunities for this important project.

Project Description

In consultation with the 7 Native American tribes associated with the park, identify species and locations of traditional resources in the park that tribes require to preserve and perpetuate traditional cultural practices, including, but not limited to, crafts, medicinal practices, rights of passage, and ceremonies. Record the condition, health and significance of each resource and make recommendations for management. Identify sites potentially eligible as traditional cultural properties (TCP). Methods to accomplish the project will include: conducting oral histories and interviews with contemporary traditional cultural practitioners; field surveys in consultation with tribal practitioners and natural resource managers; literary research, and documentation. This is a multi-year project focusing the first year on Yosemite Valley and El Portal and in the following years with the rest of the park area.

Justifications

National Park Service management Policies 2001 directs the NPS to pursue opportunities to improve resource management within parks by cooperating with appropriate Native American representatives, and to develop and execute programs in a manner that reflects awareness, sensitivity and serious concern for the traditional cultural values. This project was initiated in 2003 as partial fulfillment of Stipulation II of the 2002 Memorandum of Agreement Between The National Park Service, Yosemite National Park, and The California State Historic Preservation Officer Regarding the Lower Yosemite Falls Project. This project meets the goals of the park’s 1980 General Management Plan, and the 2002 Yosemite Valley Plan Supplemental Environmental Impact Statement. This project will identify existing or potential conflicts between traditional cultural practices and current NPS management and provide recommendations to mitigate conflicts.

Measurable Results

Provide data for long range park planning. Provide data for compliance with section 106 of the

National Historic Preservation Act. The park will have a functional inventory of the nature and types of traditional cultural resources, their distribution, condition, significance, context, and potential eligibility for listing on the National Register of Historic Places. The park will have management guidelines to restore and maintain habitats for traditional cultural resources that contribute to the park resource inventory. The park will have a basis for entering into agreements with associated tribes for cooperative resource management. The park will fulfill its obligations in Stipulation II of the 2002 Memorandum of Agreement Between the National Park Service, Yosemite National Park, and the California State Historic Preservation Officer Regarding the Lower Yosemite Falls Project. Advance park compliance with section 110 of the National Historic Preservation Act.

Component Description A: Yosemite Valley and El Portal. Collect oral histories from traditional cultural practitioners of associated tribes. Conduct field reconnaissance with practitioners from associated tribes to identify species and their locations, and their traditional use and management. Review existing literature, historic records, and ethnographic data. Prepare a report reconciling existing and historic data with data collected during this study. In progress.

Component Description B: Big Oak Flat, Crane Flat, Tuolumne, and wilderness north of Yosemite Valley. Collect oral histories from traditional cultural practitioners of associated tribes. Conduct field reconnaissance with traditional practitioners of associated tribes to identify species and their locations, traditional uses and management practices. Park natural resource specialist on reconnaissance team will assess condition of resources and make management recommendations. Compile a report reconciling existing information with data collected during this effort and results from component A. Make recommendations for management and determine environmental impact.

Component Description C: Wawona area and park lands south of Yosemite Valley. Collect oral history from traditional cultural practitioners of associated. Conduct reconnaissance with traditional practitioners to identify species and their locations, traditional use and management. Park natural resource specialist on reconnaissance team will evaluate resource condition and make management recommendations. Review existing literature and historic documents. Compile a report reconciling existing information with new information collected in this component and components A and B. Make management recommendations and assess environmental impacts.

Component Description C: Prepare nomination forms for Traditional Cultural Properties. Develop management agreements with appropriate tribes.

Cooperative Agreement
Between The
United States, Department of The Interior,
National Park Service, Yosemite National Park
And The
American Indian Council of Mariposa, Inc.
(Also known as Southern Sierra Miwuk Nation)

This Agreement is entered into by and between the American Indian Council of Mariposa County, Inc. (aka Southern Sierra Miwuk Nation) (Council), and the United States of America, U.S. Department of the Interior, National Park Service (NPS), by and through the Superintendent, Yosemite National Park (Park).

ARTICLE 1—BACKGROUND AND OBJECTIVES

The Council has been established by the Southern Sierra Miwuk Nation as a non-profit organization, incorporated in accordance with the laws of the State of California, governed and managed by the Council for the purpose of incorporating the Native American Indian tribe of the Southern Sierra Miwuk Nation to facilitate the preservation of their heritage. Among the Council's objectives is to perpetuate traditional ceremonies and cultural practices through education and sharing their cultural traditions with their membership and the public for the continuation of their culture to future generations.

Miwuk tradition has maintained that they are indigenous to Yosemite and have conducted traditional and cultural ceremonies and practices in Yosemite generations.

The NPS has as its mission to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. NPS Management Policy requires parks to develop and execute programs in a manner that reflects awareness, sensitivity and serious concern for the traditions, cultural values and religious belief of Native American's who have ancestral ties to park lands, and encourages productive partnerships collaborating with federal, state, tribal, local governments and non-profit organizations to work toward common goals. The NPS cooperates with partners to extend the benefits of natural and cultural resource conservation, preservation, and protection throughout this country and the world.

The Park is implementing improvement and construction projects to restore and protect resources and enhance visitor experience in accordance with the General Management Plan (GMP) dated 1980 and the Yosemite Valley Plan Supplemental Environmental Impact Statement (YVP SEIS) dated November 2000. The Park has prepared environmental assessments (EA) in compliance with National Environmental Protection Act of 1969, as amended (NEPA), and the National Historic Preservation Act of 1966, as amended (NHPA), that tier from the YVP SEIS for the East Yosemite Valley Utilities Upgrade Improvements Plan, the Yosemite Lodge Area Redevelopment, and the Curry Village and East Yosemite Valley Campground Improvements Project. The Park is preparing a Visitor Use and Flood Plain Restoration in East Yosemite EA, and Invasive Plant Management Plan EA. There are also plans to prepare additional NEPA/NHPA documents as appropriate in support of the YVP.

The Park also develops an annual schedule of construction, operations, and maintenance projects that are reviewed under the NEPA process. Projects may require an Environmental Impact Statement (EIS), an EA, or may meet the terms and conditions of a Categorical Exclusions (CE) to NEPA, but require review under various federal historic preservation laws including but not limited to, National

Historic Preservation Act (NHPA), Native American Graves Protection and Repatriation Act (NAGPRA) and the Archeological Resource Protection Act (ARPA).

In accordance with the GMP, YVP SEIS and other EIS's, EA's and CE's, the Park has prepared, or is preparing, or will prepare resource restoration, preservation and protection mitigation programs to avoid and minimize impacts to cultural and natural resources, including Archeological sites, gathering areas, and traditional Indian villages. The EIS's, EA's and CE's include provisions for participation by associated and affiliated Native American Indian tribes in the development and implementation of the mitigation programs.

The Park has identified and evaluated and continues to identify and evaluate Traditional Cultural Properties (TCP), Native American Cultural Landscapes, and Native American Archeological sites in Yosemite Valley and El Portal where the Southern Sierra Miwuk Nation conducted traditional and religious ceremonies in their homelands, now Park lands for generations. Identification and evaluation are conducted under the terms of the Parks 1999 Programmatic Agreement among the California State Historic Preservation Officer and the Advisory Council on Historic Preservation developed in consultation with the seven tribes claiming association with Park lands.

The General Management Plan for Yosemite specifically recognizes the Council as having special ties to Park lands and meeting a shared group identity standard of cultural affiliation with prehistoric inhabitants of Yosemite, and that their culture and traditions enhance the meaning and sacred nature of Yosemite. The GMP states that "the Yosemite Indian people, through the Council, will be encouraged to practice their traditional ceremonies on Park lands and to share their traditions, culture, and history with other park visitors. The involvement of the Council in protection and preservation of public resources stimulates the public purpose of education and productive community involvement." The Council as a Native American tribe affiliated with the Park is uniquely qualified to participate in programs related to cultural and natural resource protection and preservation.

This agreement is being prepared in consultation with the Mono Lake Kutzadika Piaute Indian Community and the federally recognized Tuolumne Band of Me-Wuk. Both tribes have ancestral ties with the Council, and are traditionally associated with Yosemite park lands. Consultation among the tribes and the park will continue throughout the term of this agreement.

Inadvertent discoveries and other issues protected by the Native American Graves Protection Act of 1990 (NAGRA, 25 U.S.C. 3001 et seq), will be treated in accordance with the implementing regulations in 43 CFR Part 10.

The NPS and the Council desire to build upon their long-term partnership in managing important sacred and traditional resource of Yosemite and wish to cooperate with one another for their mutual benefit and for the general benefit of the people of the United States and future generations to enjoy unimpaired the natural and cultural resources of the national park system. This agreement shall in no way replace or supercede the 1997 Agreement between the Park and the Council for traditional cultural practices. Neither shall this Agreement replace Government to Government consultation with any Native American group associated with the Park, or effect the Parks option to enter into similar agreements with other associated Native American groups.

ARTICLE II – AUTHORITY

16 U.S.C. §1g - provides that the NPS may enter cooperative agreements that involve the transfer of NPS-appropriated funds to non-profit organizations for the public purpose of carrying out NPS programs pursuant to 31 *U.S.C. 6305*;

ARTICLE III — STATEMENT OF WORK

A. The Park agrees to:

1. Provide financial assistance as provided for in Article VI.
2. Provide current project schedules implementing the GMP, YVP SEIS, EIS's, EA's, and CE's.
3. Provide access to the Park and to project site(s).
4. Provide access to park cultural resource data base structure and geographic information system (GIS) and literature.
5. Integrate non-confidential cultural data generated by the Council during Native American participation conducted under this Agreement into Park cultural resource data base and GIS, to enhance park planning capabilities to avoid and minimize impact to cultural resources for future maintenance, operations, and construction projects.
6. Consult with all seven tribes that claim association and affiliation with Park lands, and provide names of tribal members authorized to represent each tribe during project participation.
7. Oversee and conduct all Archeological investigations and other historic preservation tasks pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, in accordance with the parks 1999 Programmatic Agreement with the California State Historic Preservation Officer and the Advisory Council on Historic Preservation.
8. Provide interpretation and education concerning cultural resources to the public in the field during project implementation, focusing on the NPS mission and implications regarding the human condition from a scientific perspective.
9. Notify the Council in the event that cultural resources including Archeological sites, items protected under Native American Graves Protection Act (NAGPRA) such as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony are inadvertently discovered during construction associated with the projects, and implement the regulations in 43 CFR Part 10.

B. The Council agrees to:

1. Oversee Native American interests and concerns with traditional cultural resources, such as gathering areas, Archeological sites, and villages in Yosemite Valley during implementation of projects.
2. Track scheduling associated with project implementation, and respond appropriately to activities avoiding project delays.
3. Provide Native American cultural monitoring in areas where there is potential to effect resources with cultural and religious significance during activities associated with the projects.

4. In the event of an inadvertent discovery including historic and prehistoric deposits and materials, and human remains, protect the discovery area site and contact the Park Archeology Office at 379-1314 and the Park Historic Preservation Officer and Native American Liaison at 379-1372 immediately.
5. Provide interpretation and education concerning traditional cultural resources to the public in the field during project implementation, focusing on traditional cultural and religious significance from a tribal perspective.
6. Provide non-confidential cultural data during Native American monitoring to the park in a structure compatible with the parks data base.
7. Provide information concerning implementation of the preservation and protection program conducted under the terms of this agreement to the Tuolumne Band of Me-Wuk and the Mono Lake Kutzadika Paiute Indian Community.
8. Provide the Park with the names of Council representatives authorized to represent the tribe.

C. The Park and Council agree to:

1. Cooperate in the development and implementation of a program of cultural resources protection during projects to avoid and mitigate impacts.
2. Collaborate on public interpretation and education concerning the diverse value of protecting and preserving cultural resources for the enrichment of future generations.
3. Attempt in good faith to resolve any conflicts which may occur, prior to issuing any Notice of Termination.

ARTICLE IV — TERM OF AGREEMENT

This Agreement shall remain in effect for a term of fifteen years from the date of the last signature, unless terminated earlier in accordance with Article XI.

ARTICLE V — KEY OFFICIALS

- A. Key official are essential to ensure maximum coordination and communications between the parties and the work being performed. They are:

1. For the NPS:

Local/Coordinating

Michael J. Tollefson, Superintendent
National Park Service
Yosemite National Park
Post Office Box 577
Yosemite, CA 95389
E-mail: Michael_tollefson@nps.gov
Telephone: (209) 372-0201
Facsimile: (209) 372-0220

Signatory/Administrative

Lloyd Sheetz, Contracting and Agreements Officer
National Park Service
Yosemite National Park
P.O. Box 700
El Portal, CA 95318
E-mail: Lloyd_sheetz@nps.gov
Telephone: (209) 379-1195
Facsimile: (209) 379-1048

Technical/Advisory

Jeannette Simons, Historic Preservation Officer/ Native American Liaison
National Park Service
Yosemite National Park
P.O. Box 700
El Portal, CA 95318
E-mail: jeannette_simons@nps.gov
Telephone: (209) 379-1372
Facsimile: (209) 379-1294

2. For the Council

William H. Leonard, Council Chairman
American Indian Council of Mariposa County, Inc.
aka Southern Sierra Miwuk Nation
Post Office Box 1200
Mariposa, CA 95338
E-mail: mariposamiwuk@sierratel.com
Telephone: (209) 742-2244
Facsimile: (209) 742-2233

Tony Brochini, Vice Chair
American Indian Council of Mariposa County, Inc.
aka Southern Sierra Miwuk Nation
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Mariposa, CA 95338
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Telephone: (209) 742-2244
Facsimile: (209) 742-2233

Danette Johnson, Secretary
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aka Southern Sierra Miwuk Nation
Post Office Box 1200
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Telephone: (209) 742-2244
Facsimile: (209) 742-2233

Lyn Cater, Treasurer

American Indian Council of Mariposa County, Inc.
aka Southern Sierra Miwuk Nation
Post Office Box 1200
Mariposa, CA 95338
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Telephone: (209) 742-2244
Facsimile: (209) 742-2233

Jay Johnson, Consultation Committee Chair
American Indian Council of Mariposa County, Inc.
aka Southern Sierra Miwuk Nation
Post Office Box 1200
Mariposa, CA 95338
E-mail: mariposamiwuk@sierratel.com
Telephone: (209) 742-2244
Facsimile: (209) 742-2233

B. **Communications:** The Council will address any communication regarding this Agreement to the key official with a copy to the Contracting and Agreements Officer. Communications that relate solely routine operational matters described may be sent only to the Native American Liaison.

C. **Changes in Key Officials:** Neither the NPS nor the Council may make any permanent change in a key official without written notice to the other party reasonably in advance of the proposed change. The notice will include a justification with sufficient detail to permit evaluation of the impact of such a change on the scope of work specified within this Agreement. Any permanent change in key officials will be made only by modification to this Agreement.

ARTICLE VI – AWARD AND PAYMENT

A. The commitment of funds in furtherance of this Agreement will be authorized by individual Task Agreements issued against this Cooperative Agreement identifying a project or group of projects, amount of financial assistance and any other special term of condition applicable to that project.

B. Requests for Reimbursement and Advance of funds (SF-270) will be submitted to the NPS Contracting and Agreements Officer. Payment will be made no more frequently than monthly and will be paid by Electronic Funds Transfer directly into the Council account located at the financial institution as designated on Standard Form (Attachment E of Article XIII).

C. Any award beyond the current fiscal year is subject to availability of funds; funds may be provided in subsequent fiscal years if project work is satisfactory, according to the following schedule of not-to-exceed amounts.

FY 2005: 5000 hours
FY 2006: 5000 hours
FY2007 through FY 2019: TBD

ARTICLE VII – PRIOR APPROVAL

The Council shall obtain prior approval for budget and program revisions, in accordance with OMB circular A-110 as codified by 43 CFR Part 12.925.

ARTICLE VIII – LIABILITY

The Council agrees:

- A. To indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any act or omission of the Council, its officers, employee, or (members, participants, agents, representatives, agents as appropriate) arising out of or in any way connected to activities authorized pursuant to this Agreement. This obligation shall survive the termination of this Agreement.
- B. To purchase public and employee's liability insurance at its own expense from a responsible company or companies with a minimum limitation of One Million Dollars (\$1,000,000) per person for any one claim, and an aggregate limitation of Three Million Dollars (\$3,000,000) for any number of claims arising from any one incident. The policies shall name the United States as an additional insured, shall specify that the insured shall have no right of subrogation against the United States for payments of any premiums or deductibles due thereunder, and shall specify that the insurance shall be assumed by, be for the account of, and be at the insured's sole risk. Prior to beginning the work authorized herein, the Council shall provide the NPS with confirmation of such insurance coverage.
- C. To pay the United States, meaning herein the National Park Service at Yosemite National Park including the El Portal Administrative Site, the full value for all damage to the lands or other property of the United States caused by the Council, its officers, employees, or representatives [as in Paragraph 1].
- D. To provide workers' compensation protection to Council officers, employees, and representatives.
- E. To cooperate with the NPS in the investigation and defense of any claims that may be filed with the NPS arising out of the activities of the cooperator, its agents, and employees.

ARTICLE IX– REPORTS AND/OR DELIVERABLES

- A. Specific projects or activities for which funds are advanced will be tracked and reported by submittal of Standard Form 272, Federal Transaction Report and quarterly submittal of Standard Form 269, Financial Status Report, as outlined in 43 CFR § 12.952.
- B. The Council will provide an annual written evaluation of the program activity prior to October 15 of the following year, to the key official identified in Article V above. The evaluation will include descriptive information of program activity, a summary of park unit participation, and recommendations for future program activity.
- C. The Secretary of the Interior and the Comptroller General of the United States, or their duly authorized representatives, will have access for the purpose of financial or programmatic review and examination to any books, documents, papers, and records that are pertinent to the Agreement at all reasonable times during the period of retention in accordance with 43 CFR § 12.953.

ARTICLE X – PROPERTY UTILIZATION

All tools, equipment, and facilities furnished by the park will be on a loan basis. Tools, equipment, and facilities will be returned in the same condition received except for normal wear and tear in project use. Property management standards set forth in 43 CFR § 12.952 through 12.935 apply to this Agreement.

ARTICLE XI – MODIFICATION AND TERMINATION

- A. This Agreement may be modified only with the written instrument executed by the parties.
- B. Either party may terminate this Agreement by providing the other party with thirty (30) days advance written notice. In the event that one party provides the other party with notice of its intention to terminate, the parties will meet promptly to discuss the reasons for the notice and to try to resolve their differences.

ARTICLE XII – GENERAL AND SPECIAL PROVISIONS

A. General Provisions

- 1. **OMB Circulars and Other Regulations** : The Following OMB Circulars and other regulations are incorporated by reference into this Agreement:
 - a. *OMB Circular A-110*, as codified by *43 CFR Part 12, Subpart F*, “Uniform Administrative Requirements for Grants and Agreements with Institution of Higher Education, Hospitals, and other Non-Profit Organizations.
 - b. *OMB Circular A-122*, “Cost Principles for Non-Profit Organizations.”
 - c. *OMB Circular A-133*, “Audits of States, Local Governments, and Non-Profit Organizations.”
 - d. *43 CFR Part 12, Subpart D*, “Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants).”
 - e. *43 CFR Part 12, Subpart E*, “Buy American Requirements for Assistance Programs.” *FAR Clause 52.203-12, Paragraphs (a) and (b)*, “Limitation on Payments to Influence Certain Federal Transactions.”
- 2. **Non-Discrimination** - All activities pursuant to this Agreement shall be in compliance with the requirements of Executive Order 11246; Title VI of the *Civil Rights Act of 1964*, as amended, (78 Stat. 252; 42 U.S.C. §§2000D et seq.); Title V, Section 504 of the *Rehabilitation Act of 1973*, as amended, (87 Stat. 394; 29 U.S.C. §794); the *Age Discrimination Act of 1975* (89 Stat. 728; 42 U.S.C. §§6101 et seq.); and with all other federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities, religion, age, or sex.

3. **Lobbying Prohibition** - 18 U.S.C. §1913, Lobbying with Appropriated Moneys, as amended by *Public Law 107-273*, Nov. 2, 2002 - No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Members or official, at his request, or to Congress or such official, through the proper official channels, requests for legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31.
4. **Anti-Deficiency Act** – 31 U.S.C. § 1341 – Nothing contained in this Agreement shall be construed as binding the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress for the purposes of this Agreement for that fiscal year, or other obligation for the further expenditure of money in excess of such appropriations.
5. **Minority Business Enterprise Development** – *Executive Order 12432* – It is national policy to award a fair share of contracts to small and minority firms. The NPS is strongly committed to the objectives of this policy and encourages all recipients of its Cooperative Agreements to take affirmative steps to ensure such fairness by ensuring procurement procedures are carried out in accordance with 43 *CFR* §12.944 for Institutions of Higher Education; Hospitals and other Non-Profit Organizations, and 43 *CFR* §12.76 for State and Local Governments.

B. Special Provisions

1. Public Information

- (a) The Council will not publicize or otherwise circulate promotional material (such as advertisements, sales brochures, press releases, speeches, pictures, still and motion pictures, articles, manuscripts or other publications) which states or implies Governmental, Departmental, bureau, or Government employee endorsement of a product, service, or position which the Council represents. No release of information relating to this Agreement may state or imply that the Government approves of the work product of the Council or considers the Council's work product to be superior to other products or services.
- (b) The Council will ensure that all information submitted for publication or other public releases of information regarding this project will carry the following disclaimer:

“The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.”

- (c) The Council will obtain prior NPS approval from the regional public affairs office for any public information release which refers to the Department of the Interior, any bureau or employee (by name or title), or to this Agreement. The specific text, layout, photographs, etc., of the proposed release must be submitted to the key official who will forward such materials to the public affairs office, along with the request for approval.
- (d) The Council agrees to include the above provisions of this Article in any sub-award to any sub-recipient, except for a sub-award to a state government, a local government, or a federally recognized Indian tribal government.

2. **Publications of Results of Studies**

No party will unilaterally publish a joint publication without consulting the other party. This restriction does not apply to popular publication of previously published technical matter. Publications pursuant to this Agreement may be produced independently or in collaboration with others; however, in all cases proper credit will be given to the efforts of those parties contribution to the publication. In the event no Agreement is reached concerning the manner of publication or interpretation of results, either party may publish data after due notice and submission of the proposed manuscripts to the other. In such instances, the party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

- C. **Certifications** — The following certification is required in accordance with the above provisions and made a part of this Agreement:

DI-2010, U.S. Department of the Interior Certification Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirement and Lobbying.

ARTICLE XIII — ATTACHMENTS

In addition to the attachments previously specified in this Agreement, the following documents, provided by the Council are attached to and made a part of this Agreement:

- A. The Council’s Work Plan and Budget.
- B. Form SF-424, “Application for Federal Assistance” (incorporated by reference).
- C. Form SF-424A, “Budget Information” (incorporated by reference).
- D. DI-2010.
- E. Standard Form 3881.

ARTICLE XIV — SIGNATURES

IN WITNESS HERETO, the parties hereto have executed this Agreement on the date(s) set forth below.

**FOR THE AMERICAN INDIAN COUNCIL OF MARIPOSA COUNTY, INC.
(also known as Southern Sierra Miwuk Nation)**

William H. Leonard, Council Chair

Date

FOR THE NATIONAL PARK SERVICE

Michael J. Tollefson, Superintendent
Yosemite National Park

Date

Lloyd Sheetz, Contracting and Agreements Officer
Yosemite National Park .

Date